CONFERENCE ON DISARMAMENT

CD/1212
10 August 1993

Original: ENGLISH

Decision on agenda item 1 "Nuclear Test Ban" adopted by the Conference on Disarmament at its 659th plenary meeting on 10 August 1993

The Conference on Disarmament,

Taking note of initiatives regarding the negotiation of a comprehensive nuclear test ban treaty (CTB),

Convinced that, to contribute effectively to the prevention of the proliferation of nuclear weapons in all its aspects, to the process of nuclear disarmament and therefore to the enhancement of international peace and security, a CTB should be universal and internationally and effectively verifiable,

Convinced further that, in order to achieve this goal, it is important that a CTB be multilaterally negotiated,

Stressing that, as the sole multilateral disarmament negotiating forum of the international community, it is the appropriate forum for negotiating a CTB,

Decides to give its Ad Hoc Committee on a Nuclear Test Ban a mandate to negotiate a CTB;

Requests the Chairman of its Ad Hoc Committee on a Nuclear Test Ban to make the necessary arrangements to conduct consultations during the period between 3 September 1993 and 17 January 1994 on the specific mandate for, and the organization of, the negotiation.

GE.93-61987

CD/1213
12 August 1993

ENGLISH
Original: RUSSIAN

LETTER DATED 10 AUGUST 1993 FROM THE ACTING REPRESENTATIVE OF THE PERMANENT MISSION OF THE RUSSIAN FEDERATION ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING A STATEMENT BY THE GOVERNMENT OF THE RUSSIAN FEDERATION RELATING TO UKRAINE'S POLICY CONCERNING NUCLEAR WEAPONS LOCATED ON ITS TERRITORY

I have the honour to transmit the attached statement by the Government of the Russian Federation relating to Ukraine's policy concerning nuclear weapons located on its territory.

I would be very grateful if this text could be issued as an official document of the Conference on Disarmament and distributed to delegations both of member States and of non-member States participating in the work of the Conference.

(Signed): V. Zemskov
Acting Representative of the
Permanent Mission of the Russian Federation
to the Conference on Disarmament

Statement by the Government of the Russian Federation

Recently, Kiev has taken a number of steps towards the establishment of control over the nuclear weapons which remain on Ukrainian territory. On 2 July 1993 the Ukrainian Parliament approved "Guidelines for the Foreign Policy of Ukraine", declaring Ukraine to be the owner of these weapons. This move by the Parliament has been supported in subsequent public declarations by the Ukrainian leadership. The Ministry of Defence of Ukraine has decided to incorporate the troops responsible for the storage and maintenance of nuclear warheads into the 43rd Missile Army under its command. This gives Ukraine direct control over nuclear armaments.

In this connection, the Government of the Russian Federation considers it necessary to state the following.

Such a policy pursued by Kiev, causing concern in the entire world community, could have very serious consequences for international stability and security and for the whole system of international relations.

In declaring itself the owner of nuclear weapons, Ukraine is violating the international obligations it assumed concerning its non-nuclear status, thus openly challenging the international order, and introducing legal nihilism into international relations.

Kiev is in direct breach of a number of agreements concluded within the framework of the Commonwealth of Independent States, in particular the decision by the Heads of States of CIS on 6 July 1992 that among the successor States to the USSR, the Russian Federation alone would be a nuclear-weapon State.

It is also in breach of the Lisbon Protocol to the START I Treaty, under which Ukraine took the obligation to accede at the earliest possible time to the NPT as a non-nuclear-weapon State. The written declaration of the Ukrainian Party on the occasion of the signature of this Protocol says that: "... The right and the burden of owning nuclear armaments of the former USSR is left, with the explicit consent of Ukraine and other successor States to the former USSR, to the Russian Federation alone".

Nor is Kiev's policy compatible with Ukraine's commitment to the withdrawal from its territory, by the end of 1994, of nuclear weapons for dismantling and destruction.

Ukraine is undermining the existing nuclear non-proliferation regime based on the 1968 Treaty while endangering the Treaty itself, the fate of which will be decided at a conference in 1995. A dangerous precedent is being created; it may be used by countries now on the verge of possessing nuclear weapons.

The results of years of effort by the international community to achieve nuclear disarmament, notably the START I and START II treaties, are being torpedoed.

Since Ukraine does not have the requisite physical and technological capacity, its taking control of nuclear weapons considerably increases nuclear and environmental risks, and for this Ukraine must bear the entire responsibility.

The Russian Federation, as the only successor to the USSR where possession of nuclear weapons is concerned and as a depositary of the Treaty on the Non-Proliferation of Nuclear Weapons, cannot accept as legal any claims or actions that run counter to the international agreements on the preservation and enhancement of the nuclear non-proliferation regime. We urge Ukraine to do everything possible to ensure strict respect of its non-nuclear status under international agreements, and to reconsider the above-mentioned decisions by the Parliament and the Ministry of Defence of Ukraine taking control of nuclear weapons.

At the same time, the Russian Federation expresses its readiness to continue cooperation with Ukraine in ensuring the nuclear and environmental security of nuclear weapons on the basis of the provisions set forth in the Message of 30 April 1993 from the President of Russia, Mr. B.N. Yeltsin, to the President of Ukraine.

Moscow, 5 August 1993

CD/1213
12 August 1993

ENGLISH
Original: RUSSIAN

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Moscow, 5 August 1993

CD/1214
13 August 1993

Original: ENGLISH

REPORT OF THE SPECIAL COORDINATOR OF THE CONFERENCE ON DISARMAMENT FOR THE ISSUE OF EXPANSION OF ITS MEMBERSHIP

1. On 28 January this year, the Conference appointed me as its Special Coordinator for the issue of expanding its membership. This decision to appoint a special coordinator came in the light of the report presented on 18 January by the former president of the Conference, Ambassador Michel Servais of Belgium, who in conjunction with Ambassador Celso Amorim of Brazil, had held consultations in the second half of 1992 on this matter. At an earlier point there had also been an effort to have a small expansion of the Conference, but that effort was ultimately unsuccessful.

2. The view that the time has come for the Conference to expand its membership has been sharpened by the successful conclusion of the Chemical Weapons Convention. That outcome has been widely applauded internationally and has undoubtedly stimulated interest in membership of the Conference, not least amongst those who have been waiting for many years to have their applications considered.

3. It is also the case that, with the ending of the cold war, there are many new opportunities for the international community to address the politico-military challenges in new and hopefully more effective ways. In the new environment it is clear that many governments see an enhanced role for the Conference on Disarmament.

4. Thus the report of the Secretary-General of the United Nations on "New dimensions of arms regulation and disarmament in the post cold war era" received a ready response from the Conference on Disarmament, and many representatives from here participated in the resumed First Committee in March this year. At that resumed session there were many expressions of support for the determination of the Conference on Disarmament to review its membership and its agenda in the new circumstances.

5. With this background in mind, I held bilateral discussions with each of my colleagues on several occasions, and also with each of the CD groups. I thus obtained first hand a sense of what outcome could be tolerable to all, at the same time registering what were the sensitivities and aspirations of each CD member. I circulated a survey which was designed to allow any comments

that members wished to have recorded. I considered holding informal open-ended consultations on this matter but at the request of a number of delegations who wished me not to proceed in that way, I decided to proceed in the way that I have described.

6. It quickly became apparent that a discussion of criteria for membership would lead only to indefinite delay. Attempts to define in some "objective" way the criteria for membership flew in the face of the history of previous efforts at expansion of the Conference which had not previously been able to define such criteria, of its current composition and of the widely varying views about what such criteria might be, how they could be defined and in what way they might be applied. I decided a more practical course was to try to find an acceptable outcome.

7. Finding an acceptable outcome was made easier by the fact that there seemed to be very broad acceptance that the CD should remain a negotiating body and thus of limited composition, that its rule of consensus should remain, and that it should concentrate on developing agreements and treaties in the field of security, arms control and disarmament. Thus it was possible to pose the question "given the things that we agree the Conference should do, and given the expressions of interest by those who are willing to participate in its work, who is not currently a member who ought to be included?" This formulation also had the advantage of drawing attention to the tasks to be done rather than any artificial criteria.

8. In seeking to find a proposal that would be acceptable to all members of the Conference, there were three particular problems that needed to be overcome. Firstly there was the question of procedure: was the Conference entirely autonomous in its decision over its own membership? Some in the Conference answered unambiguously yes; others had a more nuanced approach, others said no. The conclusion I drew was that in its process of considering the recommendation for expansion, the Conference should follow procedures that avoided raising the in-principle question of its status vis-à-vis the General Assembly. I outline some suggestions at the end of this report which follow precisely the precedent established in 1978.

9. Secondly, there was considerable hesitation about the addition of new members which raised particularly sensitive issues for some countries. While those sensitivities remain, I believe that they will not be such as to prevent the adoption of the recommendation for a new CD composition attached to this report.

10. Thirdly there was naturally considerable interest in the overall balance that might emerge from any expansion. Here several aspects are worth recording. While a number of countries preferred a relatively small expansion - by say 10-12 - it quickly became clear that within such a small expansion it would be impossible to satisfy the competing regional, political, geo-strategic and other claims. Equally it also became clear that a large expansion - including the idea that all who applied should be admitted - could not attract consensus. It

emerged that between these contending views, common ground might be found around an expansion to about 60 members. This number had the additional benefit of representing about one third of United Nations members which is approximately the same proportion of the United Nations membership that the original CD represented when it was established.

11. An additional benefit of an expansion to about 60 is that it creates enough manoeuverability to accommodate a wide variety of applicant countries. In considering the question of expansion, I reluctantly came to the view that I would not recommend for inclusion countries which had chosen not to apply: this despite the fact that several countries who are not applicants would seem to have strong credentials.

12. Thus I came to the conclusion that the only way forward at this stage was to recommend a limited expansion from amongst the current applicants in a way that leads overall to a conference capable of addressing the problems and opportunities before it.

13. In considering how to strike a balance in the context of the expansion, I also had to take account of the fact that the Conference had a very particular origin and that within its original groupings there were some unusual features. Nor was I given the task of changing the current composition or of reconstructing the Conference. I asked if any current members wished to withdraw but none did. My recommendation preserves closely the balance in the CD at present if the current members were considered from a United Nations General Assembly regional perspective. It is also balanced in overall geo-strategic terms.

14. On the last page of this report and an integral part of it is my recommendation for a composition for the Conference with the new members representing the expansion being underlined. I would like to emphasize that this recommendation is part of a phased approach, since the extension of the composition of the Conference is a dynamic process, and will no doubt be subject to periodic reviews in the future. It may be argued that there are other possible ways of achieving this result. I can only say that my recommendation represents my best estimate of an approach which is likely to attract consensus.

15. Mr. President, I assume that in due course you will ask the Conference to decide on this report. If the Conference is willing to accept this recommendation, in line with the practice established in 1978 when the Conference itself was constituted, I suggest that the CD President inform the President of the General Assembly of the agreement reached following appropriate consultations in the Conference on Disarmament, and in line with document A/S-10/24 of 19 September 1978 invite the President of the Assembly to so inform the States members of the United Nations. The new members would then assume their membership at the start of the 1994 session.

16. I ask that this report be circulated as an official document of the Conference on Disarmament.

ATTACHMENT I

RECOMMENDED COMPOSITION OF THE CONFERENCE ON DISARMAMENT
FOLLOWING EXPANSION (NEW MEMBERS ARE UNDERLINED)

1. Algeria
2. Argentina
3. Australia
4. Austria
5. Bangladesh
6. Belarus
7. Belgium
8. Brazil
9. Bulgaria
10. Cameroon
11. Canada
12. Chile
13. China
14. Colombia
15. Cuba
16. Democratic Peoples Republic of Korea
17. Egypt
18. Ethiopia
19. Finland
20. France
21. Germany
22. Hungary
23. India
24. Indonesia
25. Iraq
26. Iran
27. Israel
28. Italy
29. Japan
30. Kenya
31. Mexico
32. Mongolia
33. Morocco
34. Myanmar
35. Netherlands
36. New Zealand
37. Nigeria
38. Norway
39. Pakistan
40. Peru
41. Poland
42. Republic of Korea
43. Romania
44. Russian Federation
45. Senegal
46. Slovakia
47. South Africa
48. Spain
49. Sri Lanka
50. Sweden
51. Switzerland
52. Syria
53. Turkey
54. Ukraine
55. United Kingdom
56. United States
57. Venezuela
58. Viet Nam
59. Zaire
60. Zimbabwe
(*61. Socialist Federal Republic of Yugoslavia)

* There is agreement in the Conference that the Socialist Federal Republic of Yugoslavia which was an original member of the CD has ceased to exist. There is, however, no agreement on successor arrangements, nor on removing the nameplate "Yugoslavia". There is an understanding that representatives of the Federal Republic of Yugoslavia (Serbia-Montenegro) will not attempt to occupy the "Yugoslavia" seat.